

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08	TOMAS AFEWORKI,)	CASE NO.: C06-0628-MJP-MAT
)	
09	Plaintiff,)	
)	
10	v.)	ORDER DENYING PLAINTIFF'S
)	MOTION FOR DEFAULT
11	STEVE THOMPSON, et al.,)	JUDGMENT
)	
12	Defendants.)	
	_____)	

Plaintiff, proceeding *pro se* in this action pursuant to 42 U.S.C. § 1983, has filed a motion for default judgment. (Dkt. #23). Defendants have filed a response. (Dkt. #24). Having considered the motion and the response, and the balance of the record, the Court does hereby find and Order as follows:

(1) Plaintiff signed his motion for default judgment on October 5, 2006. (Dkt. #23 at 1). Defendants filed their answer that same day. (Dkt. #20). Apparently, plaintiff filed his motion before he received a copy of defendants' answer; consequently, he was unaware that defendants had filed their answer in a timely fashion. Because defendants have filed their answer, plaintiff's motion for default judgment (Dkt. #23) is DENIED.

01 (2) The Clerk shall send copies of this Order to plaintiff, to counsel for defendants, and
02 to the Honorable Marsha J. Pechman.

03 DATED this 23rd day of October, 2006.

04 

05 Mary Alice Theiler
06 United States Magistrate Judge